

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :
ex rel. MICHAEL S. LORD,

Plaintiffs : CIVIL ACTION NO. 3:13-2940

v

: (JUDGE MANNION)

NAPA MANAGEMENT SERVICES
CORPORATION, NORTH AMERICAN:
PARTNERS IN ANESTHESIA
(PENNSYLVANIA), LLC, and
POCONO MEDICAL CENTER,

Defendants :

ORDER

Based on the foregoing memorandum, **IT IS HEREBY ORDERED**
that:

1. NAPA defendants' motion to dismiss, (Doc. [52](#)), relator's claims in his complaint, (Doc. [26](#)), against them is **GRANTED IN PART** and **DENIED IN PART**;
2. NAPA defendants' motion to partially dismiss Counts I and II based on relator's FCA claims regarding alleged wrongdoing before June 2011 and after June 2013 is **GRANTED**, and the claims outside of the stated dates are **DISMISSED WITHOUT PREJUDICE**;
3. NAPA defendants' motion to partially dismiss Counts I and II based on relator's FCA claims regarding his Examination Allegations and his Informed Consent Allegations is **GRANTED**,

and these claims are **DISMISSED WITHOUT PREJUDICE**;

4. NAPA defendants' motion to dismiss relator's FCA claims in Counts I and II regarding his allegations that NAPA anesthesiologists were not immediately available is **DENIED**, and these claims will **PROCEED**;
5. NAPA defendants' motion to dismiss relator's FCA claims in Counts I and II regarding his allegations that NAPA anesthesiologists pre-signed attestations is **DENIED**, and these claims will **PROCEED**;
6. NAPA defendants' motion to dismiss Counts IV, V, and VI of relator's complaint, (Doc. [26](#)), is **DISMISSED AS MOOT**;
7. NAPA defendants are directed to file their answer to the remaining claims against them in relator's complaint on or before **November 30. 2017**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

DATED: November 14, 2017

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